

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MARK R. WINKLE,

Plaintiff,

-v-

CAROL S. LORANGER, et al.,

Defendants.

Case No. 3:14-cv-020

Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

**ENTRY AND ORDER OVERRULING WINKLE'S OBJECTIONS TO
MAGISTRATE MERZ'S REPORT AND RECOMMENDATIONS
REGARDING SANCTIONS (Doc. #42); ADOPTING MAGISTRATE
MERZ'S REPORT AND RECOMMENDATIONS REGARDING
SANCTIONS (Doc. #41) IN PART; ASSESSING A MONETARY PENALTY
AGAINST WINKLE IN THE AMOUNT OF \$500; BARRING WINKLE
FROM FILING ANY NEW CASES IN THIS COURT *IN FORMA
PAUPERIS* UNTIL HE COMPLIES WITH THIS ORDER AND DENYING
WINKLE'S MOTION TO DISQUALIFY (Doc. #32)**

Pro se Plaintiff Mark R. Winkle ("Winkle") brought an action in this Court which has subsequently been dismissed. (Doc. # 41.) As part of this action, Winkle moved to disqualify Magistrate Judge Merz. (Doc. #32.) Magistrate Judge Merz then ordered Winkle to show cause as to why Winkle should not be sanctioned for making certain allegations, and to produce evidentiary support for these allegations. (Doc. #33.) Winkle responded that the allegations were merely allegations and attempted to reverse the burden of proof by asserting that Magistrate Judge Merz provide proof that the allegations are not true.

Magistrate Judge Merz then issued a Report and Recommendations recommending that Winkle be sanctioned. (Doc. #41.) On July 1, 2014, Winkle responded to this Report and

Recommendations by essentially repeating the allegations¹ and by attempting to reverse the burden of proof by asserting that Magistrate Judge Merz provide proof that the allegations are not true. (Doc. # 42.)

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Winkle's Objections to Magistrate Judge Merz's Report and Recommendations regarding sanctions are not well-taken, and they are hereby OVERRULED. Magistrate Judge Merz's Report and Recommendations regarding sanctions is adopted in part.

Winkle is hereby assessed a monetary penalty of \$500. Further, until Winkle complies with this sanctions Order, he is barred from filing new cases in this Court *in forma pauperis*.

As for Winkle's Motion To Disqualify (Doc. #32), the Magistrate Judge recommends ordering Winkle to withdraw said Motion. However, the Court finds said motion to be without merit and, therefore, denies same.

DONE and **ORDERED** in Dayton, Ohio, this Seventh Day of July, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Mark R. Winkle at his last address of record

¹Winkle's allegations are hearsay and, therefore, not evidence.